

CONFIRMED COPY
FEB 15 2012
LOS ANGELES
SUPERIOR COURT

STEVE COOLEY
District Attorney
By: SEAN CARNEY (State Bar #179382)
Deputy District Attorney
By: FRANCES YOUNG (State Bar #192295)
Deputy District Attorney
ARSON/SPECIAL TRIALS DIVISIONS
780 Hall of Records
320 W. Temple Street
Los Angeles, California 90012

Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

THE PEOPLE OF THE STATE OF)	Case No.: BA393940
CALIFORNIA,)	
Plaintiff,)	PEOPLE'S MOTION TO INCREASE BAIL
)	Penal Code Section 1269c et. seq.
vs.)	
)	
GERHARD BECKER,)	
)	
Defendant.)	
)	
)	

TO THE HONORABLE UPINDER KALRA, JUDGE OF THE LOS ANGELES
COUNTY SUPERIOR COURT AND TO COUNSEL FOR THE DEFENDANT, GERHARD
BECKER: PLEASE TAKE NOTICE that on February 15, 2012 at 1:30 p.m. in Division 30 of
the above-entitled court, or as soon thereafter as the matter can be heard, the People will
respectfully ask the Court to issue the following orders concerning the defendant's bail: (1)
Order to increase bail pursuant to Penal Code Section 1269c, et seq. from \$25,000 to \$2,000,000;
and (2) Order that the defendant's German passport remain within the possession of law
enforcement; and (3) Order that in the event the defendant chooses to post bail that he be ordered

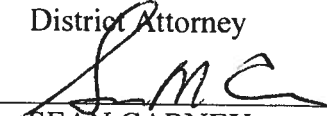
1 to wear a GPS tracking device; and lastly (4) an Order that the defendant not leave Los Angeles
2 County without the Court's permission.

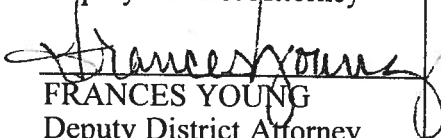
3 This motion will be based on this notice of motion, the pleadings in the above-entitled
4 matter, the attached points and authorities, the declaration of the investigating officer, and on any
5 further evidence and argument as may be introduced at the hearing of this motion.

6
7 Dated this 15th day of February, 2012

Respectfully Submitted,

8 STEVE COOLEY
9 District Attorney

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11 SEAN CARNEY
12 Deputy District Attorney

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14 FRANCES YOUNG
15 Deputy District Attorney
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The mere proffering of a corporate surety bond in the amount set at bail does not prevent, the Court from inquiring into the source of bail. The source of bail might bear on whether the defendant will make future court appearances. (*United States v. Ellis De Marchena*, 330 F. Supp. 1223 (1971) (Affirmed, Dkt. No. 71-2343, September 3, 1971, 9th Cir.).)

"the mere proffering of a corporate surety bond in the amount set as bail does not deprive the court of the right to inquire into areas which might bear on the question of whether the defendant will make future court appearances if released on the bond. The Court has the right and the duty to satisfy itself that there is more than just a financial assurance that a bailed defendant will appear in court when required. . . . The source of the security providing the collateral for the bond can provide valuable information regarding the motivation for a defendant to appear. If the bond were secured by the property of defendant's relatives, or close friends, the court could, logically, conclude that the possibility of financial harm to those individuals might motivate a defendant to appear. On the other hand, if the security comes from an illegitimate source, and is merely a business' expense for a dealer in contraband, there is

1 paucity of moral force compelling a defendant to reappear. Indeed,
2 such a source would be more consistent with a possible fulfillment
3 of a pledge to a defendant of purchased freedom if caught."
(*Id.* at p. 1226, emphasis added.)

4 ANALYSIS

5 Here, the Court has in front of it a German national who is charged with the Involuntary
6 Manslaughter of a firefighter who was killed as a result of the defendant's grossly negligent
7 decision to install *outdoor* fireplaces inside of his home without any safeguards in place to
8 prevent fire or to contain fire. Nineteen (19) firefighters were trapped and three suffered injuries
9 as a result of the defendant's actions. Thirty-four year veteran firefighter Glenn Allen lost his
10 life when he was crushed to death by the ceiling which collapsed as a result of the fire started by
11 the fireplaces installed by the defendant.

12 Most significantly, this defendant previously left the jurisdiction of Los Angeles after
13 being interviewed by law enforcement officials regarding the facts of this case. As the facts
14 within the attached declaration will set forth law enforcement officials interviewed the defendant
15 in February of 2011. In April of 2011 the defendant broke his residential lease, sold both of the
16 cars which were registered to him in California and flew to Switzerland and Spain where he
17 began construction on a luxury home and set up companies in his wife's name.

18 The sole tie the defendant has remaining to Los Angeles is the house which had to be
19 repaired subsequent to the fire. Construction to repair the home has recently completed.
20 Moreover, the defendant settled a civil lawsuit pertaining to the house which caused a lien to be
21 placed on the property and dismissal of said suit would eliminate any bar on selling the property
22 which is valued in the millions. As the attached declaration will state a search warrant review of
23 the defendant's electronic emails revealed that the defendant's realtor had located a potential
24 buyer.

25 The defendant has remained in Europe while construction to repair the house has been
conducted and search warrants conducted on the defendant's electronic files indicated that he

1 elected to return to Los Angeles on February 11, 2012 with the goal of eliminating all of his
2 remaining ties to Los Angeles and the United States.

3 The defendant has substantial financial resources totaling millions of dollars. Given that
4 he will soon have no ties to Los Angeles and will suffer the ignominy of criminal prosecution for
5 the death of a firefighter where he faces possible imprisonment, if convicted, of four years in
6 custody and given that third parties could easily represent him overseas to complete his financial
7 transactions in Los Angeles, it appears the defendant will have little incentive to obey orders to
8 reappear from this Court. Rather, the defendant will have great incentive to return to his native
9 country which has no extradition treaties with the United States and avoid criminal prosecution
10 in Los Angeles.

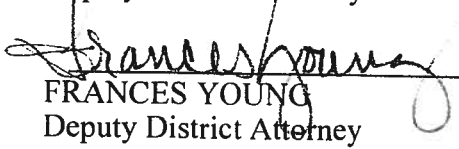
11 CONCLUSION

12 For these reasons, the People respectfully ask this Court to increase the defendant's bail
13 from \$25,000 to \$2,000,000 to ensure his continued presence in Los Angeles County and that the
14 defendant's passport be ordered to remain within the possession of law enforcement and the
15 defendant be ordered to wear a GPS tracking device in the event he posts bail. Lastly, the
16 defendant should be ordered not to leave Los Angeles County without the Court's permission.

17
18 Dated this 15th day of February, 2012

Respectfully Submitted,

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21 SEAN CARNEY
Deputy District Attorney

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23 FRANCES YOUNG
Deputy District Attorney
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1 **DECLARATION OF DETECTIVE GREGORY M. STEARNS IN SUPPORT OF**
2 **PEOPLE'S MOTION INCREASING BAIL**

3 I, Gregory M. Stearns, declare as follows:

- 4 1. That I am the detective assigned to investigate the case of the *People of the State*
5 *of California vs. Gerhard Becker* BA393940. As part of that investigation I have
6 prepared search warrants for the defendant's electronic data, I have reviewed
7 those materials, I have spoken to my law enforcement counterparts in both federal
8 and state agencies, and I am percipient to the following facts.
- 9 2. Gerhard Albert Becker is a German national who has been residing in Palma de
10 Mallorca, Spain. A review of his financial records indicates that the defendant
11 has cash assets totaling several million dollars and owns luxury properties in both
12 Germany and Spain.
- 13 3. In 2011, the defendant was the owner and architect/builder of a luxury home in
14 the Hollywood Hills section of Los Angeles. After representing to the
15 Department of Building and Safety that he intended to install *no* fireplaces within
16 the home, the defendant personally installed four (4) outdoor fireplaces inside the
17 home all four (4) of which, when lit, began to burn the wood surrounding the
18 burners. Additionally, the defendant chose *not* to install the "firebreaks" which
19 are required every four (4) feet within the walls to prevent any potential fires from
20 spreading. A fire broke out in one of the fireplaces and, without the containment
21 which would be have been provided by firebreaks, spread into the ceiling portion
22 of the home causing the ceiling to collapse on top of nineteen (19) firefighters
23 who were battling the blaze. Three (3) firefighters were trapped and had to be
24 extracted from the rubble. One suffered a broken ankle, a second suffered a
25

1 broken leg, and a thirty-four year veteran firefighter was killed when several
2 hundred pounds of debris buried him and caused his death by asphyxiation.

3 4. At the time of this incident the defendant's only ties to the United States were the
4 Hollywood Hills property where the homicide took place; two (2) vehicles which
5 were registered to the defendant in California; and a second property which the
6 defendant had leased.

7 5. The day after the fire, members of the Los Angeles Fire Department
8 Arson/Counter Terrorism Section interviewed the defendant about his installation
9 of the fireplaces. The defendant was interviewed a second time by the same
10 Arson/Counter Terrorism Section one week later.

11 6. Two months after his second interview with fire investigators, the defendant
12 broke his lease, sold both vehicles and flew to Switzerland and Spain where he
13 began construction on another luxury home and set up construction companies in
14 his wife's name who is by profession a yoga instructor.

15 7. The defendant's sole remaining tie to Los Angeles is the house in the Hollywood
16 Hills which just recently completed its post-fire construction. A lien was placed
17 on the home pursuant to a civil lawsuit filed by a neighbor in Case Number
18 BC446979. The defendant is in the process of settling the civil lawsuit which
19 would allow him to sell the Hollywood Hills home to a potential buyer who was
20 recently located by a Los Angeles realtor.

21 8. By reviewing evidence obtained pursuant to search warrant, I believe the
22 defendant returned to Los Angeles on February 11, 2012 with the intent to stay
23 only long enough to sever his remaining financial ties to Los Angeles County and
24 the United States.
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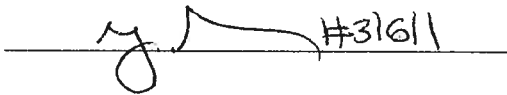
1 9. I obtained an arrest warrant for the defendant who was arrested on February 11,
2 2012 at the Los Angeles International Airport.

3 10. If the defendant were to violate the Court's orders and abscond to his country of
4 origin, my research of the German Constitution indicates that Article 16 of the
5 Basic Law for the Federal Republic of Germany (*Grundgesetz für die*
6 *Bundesrepublik Deutschland*) states, "No German may be extradited to a foreign
7 country."

8 11. Attached and incorporated herein is my affidavit in support of the Ramey warrant
9 for the defendant's arrest. The warrant was signed by Judge Fidler who set bail at
10 "no bail."

11 I swear under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct to the best of my knowledge.

13 Executed on this 15th day of February, 2012 at Los Angeles, California.

14
15  #31611
16 GREGORY M. STEARNS
17 DECLARANT
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STATE OF CALIFORNIA - COUNTY OF LOS ANGELES
RETURN TO SEARCH WARRANT

Gregory M. Stearns being sworn says that he/she conducted a search pursuant to the below described search warrant:
(Name of Affiant)

Issuing Magistrate: Honorable L.P. Fidler,

Magistrate's Court: Superior/Municipal Court, Central, Judicial District

Date of Issuance: 02/10/12,

Date of Service: 02/11/12,

and searched the following location(s), vehicle(s), and person(s):

FOR THE FOLLOWING PERSON:

The person of Gerhard Albert Becker, further described as a male, white, 5'10" tall, 180 pounds with brown hair, blue eyes and a date of birth of January 30, 1964; and all briefcases, suitcases or other containers in Becker's possession or under his control at the time of his arrest

and seized the items*

☒ described in the attached and incorporated inventory.

☐ described below:

I further swear that this is a true and detailed account of all the property taken by me pursuant to the search warrant, and that pursuant to Penal Code Sections 1528 and 1536 this property will be retained in my custody, subject to the order of this court or of any other court in which the offense in respect to which the seized property is triable.

[Signature]
(Signature of Affiant)

Sworn to and subscribed before me this 14th day of February, 20 12

[Signature]
(Signature of Magistrate)

Judge of the Superior/Municipal Court, LA 1106, Judicial District

*List all items seized, including those not specifically listed on the warrant.

Los Angeles Police Department
PROPERTY REPORT

IF EVIDENCE CONT., COMPLETE SHADED AREAS ONLY. IF NOT EVID. CONT., COMPLETE ENTIRE FORM.

Page 1 of 1

<input type="checkbox"/> NARC <input type="checkbox"/> FIREARM <input type="checkbox"/> SEARCH <input type="checkbox"/> MONEY		TOTAL U.S. CURR. BKD. <input type="checkbox"/> EVID <input checked="" type="checkbox"/> ONLY 1 CATEGORY PER REPORT NON-EVID <input type="checkbox"/>		IF RELATED TO PREV BKD EVID, USE THAT DR DR 11-0608114		
DATE AND TIME OF THIS REPORT 02/13/2012 0825		DATE PROPERTY BKD. 02/13/2012		IF RELATED TO PREVIOUSLY BOOKED EVIDENCE, ORIG. EVID. BKD. TO (IN THIS CASE COMPLETE ENTIRE REPORT) Allen, Glenn Leroy		
RESIDENCE ADDRESS 		ARRESTEE <input type="checkbox"/> EVID. CONT. OF ARREST REPORT 		DOB 		
RESIDENCE ADDRESS (BUS. ADDRESS IF VICT. IS BUSINESS) 4957 Melrose Avenue		VICTIM <input type="checkbox"/> EVID. CONT. OF PIR (IF NO ARRESTEE) Allen, Glenn Leroy		CHARGE BKD DR BKG. #		
RESIDENCE ADDRESS 		<input type="checkbox"/> OWNER OR IF UNKNOWN <input type="checkbox"/> FINDER/POSSESSOR 		R - B - R - B -		
AREA OR CITY, & DATE CRIME OCCUR. Hollywood 02/18/2011		TYPE OF PREMISES Residence		DEPT. EMPLOYEE IF BOOKED TO SERIAL NO. DIVISION		
IS THIS STOLEN PROPERTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		PROBABLE CRIME manslaughter <input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISD.		DATE & TIME PROP. FOUND TAKEN INTO POLICE CUSTODY - LOCATION - 02/11/2012 19:45 1 World Way, Los Angeles, CA		
IS THIS FOUND PROPERTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DATE & TIME FOUND PROPERTY DISCOVERED -LOCATION DISCOVERED-		RD, OR CITY IF OUTSIDE 1495		
INVESTIGATIVE UNIT Robbery-Homicide		PROP. BKD. AT Property		NOTIFICATIONS - PERSONS & UNITS Lt. Bercovicl		
CONNECTING REPORTS - TYPE & DR Death, same DR		Use of Evidence Continuation: Use only with Arrest Report or, if no Arrest Report, with PIR. Do not use if evidence is related to previously booked evidence. To book evidence, staple this page on top of Arrest Face Sheet (or PIR Face Sheet, if no arrest) and forward with evidence.				
1. CIRCUMSTANCES (WHERE FOUND, BY WHOM, HOW MARKED, ETC.), EXPLAIN IF 10.10.00 NOT ISSUED. GIVE RESULTS OF CRT CHECKS ON FIREARMS. 2. ITEMIZE PROPERTY (LIST NARCOTICS FIRST, THEN MONEY, FIREARMS, PROPERTY WITH SERIAL NUMBERS, AND OTHER PROPERTY, IF RELATED TO PREVIOUSLY BKD. EVIDENCE, START WITH NEXT SEQUENTIAL ITEM NUMBER). 3. IS PROPERTY ELIGIBLE FOR IMMEDIATE DISPOSAL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> IF YES, LIST ITEM #S ENSURE AN "EXTRA COPY" IS FORWARDED TO THE PROPERTY DISPOSITION COORDINATOR (PDC) FOR INPUT INTO APIMS. IF PROPERTY IS ELIGIBLE FOR RELEASE, COMPLETE A PROPERTY DISPOSITION REQUEST, FORM 10.06.00, AND FORWARD IT TO THE PDC FOR INPUT INTO APIMS.						
ITEM NO.	QUANT.	ARTICLE	SERIAL NO./TYPE TEST OF DRUG	BRAND/DRUG WEIGHT, UNITS	MODEL NO./DRUG TEST RESULT	MISC.-COLOR, SIZE, INSCRIPTION, CALIBER, ETC. IF MULT. ARREST, INCL. NAME/BKG. # FROM WHOM TAKEN
The below listed evidence was recovered from Suspect Becker at Police Administration Building from his black nylon backpack by Detective Tennelle, W. Serial No. 22628 on 02/11/2012. The items listed are identified by the manufacturers serial number.						
Evidence booked:						
67	1	Cellphone	850298LKA4T	Apple	A1332EMC	Black Apple Iphone
68	1	Cellphone	85116XA9A4S	Apple	A1332EMC	Black Apple Iphone
69	1	Storage device	1106BB1056L2KMJ	Toshiba	Unknown	16GB USB storage device
70	1	Passport	C4WK8148T	German passport in the name of "Gerhard Albert Becker"		
Preliminary Drug Test		SUPERVISOR/INVESTIGATING OFFICER TESTING		SERIAL NO.		WITNESSING OFFICER
Search Warrant Info		DATE		ISSUED BY JUDGE		COURT NO.
SUPERVISOR APPROVING		SERIAL NO.		10.10.00 ISSUED?		REPORTING EMPLOYEE(S)
DATE & TIME REPRODUCED		DIVISION		CLERK		PERSON REPORTING (SIGNATURE)
						X

INC# 110217000072

CHECKS, CREDIT CARDS, ETC. (CCD, PLUS OVB)
FORGERY/M.A. DETSHABOR DETS., IF THEIR OCCURRENCE

NARCOTICS (NARC. DIV.)

FIREARM (DSTD & R & I, CRIMEPROP. 10.10.00)

EXTRA COPIES TO:

RECEIPT FOR PROPERTY TAKEN INTO CUSTODY***SAVE THIS RECEIPT***

DATE 02-11-2012	TIME 20:50	DR NUMBER 11-0608114
<input type="checkbox"/> ADDRESS <input checked="" type="checkbox"/> LOCATION PROPERTY TAKEN INTO CUSTODY LAX International Airport		
NAME OF PERSON IN POSSESSION OF PROPERTY (LAST, FIRST, MI) Becker, Gerhard Albert		
ADDRESS Mallorca Spain	STREET	CITY ZIP
BOOKING NUMBER	CHARGE	CAL DL, OR OTHER ID NO. German passport C4WK8148T
OTHER IDENTIFYING INFORMATION		ITEM NUMBERS ON PROPERTY REPORT

PROPERTY TAKEN - DESCRIPTION				GIVE EXACT AMOUNT OF CASH \$	
QUAN.	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	MISC., COLOR, SIZE, INSCRIPTION, CALIBER, ETC.
1	Apple Iphone	850298LKA	Apple	A1332	Black Iphone
1	Apple Iphone	85116Xa9a4	Speck	unk	Black Iphone
1	USB	1106BB105	Toshiba	unk	16GB USB device
1	Passport	C4WK8148			Grman passport "C4WK8148T"

PROPERTY BOOKED TO - SAME AS POSSESSOR <input type="checkbox"/>		DIVISION OF BOOKING	
SIGNATURE OF OFFICER ISSUING	SERIAL NUMBER	DIVISION	DETAIL
THIS RECEIPT DOES NOT CONSTITUTE RECOGNITION OF LEGAL TITLE TO ABOVE PROPERTY			
SIGNATURE OF PERSON IN POSSESSION OF PROPERTY (OPTIONAL)			

STATE of CALIFORNIA, COUNTY of LOS ANGELES,
SEARCH WARRANT and AFFIDAVIT
(AFFIDAVIT)

Peace Officer Gregory M Stearns, swears under oath that the facts expressed by him/her in the attached and incorporated Affidavit are true and that based thereon he/she has probable cause to believe and does believe that the articles, property, and persons described below are lawfully seizable pursuant to Penal Code Section 1524 et seq., as indicated below, and are now located at the locations set forth below. Wherefore, Affiant requests that this Search Warrant be issued.

HOBBS SEALING REQUESTED: ☒ YES ☐ NO
 NIGHT SEARCH REQUESTED: ☒ YES ☒ NO

g m #316
 (Signature of Affiant)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER IN THE COUNTY OF LOS ANGELES: proof by affidavit, having been this day made before me by Peace Officer Gregory M Stearns that there is probable cause to believe that the property or person described herein may be found at the location(s) set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 et seq., as indicated below by "☒" (s) in that:

- ☐ property was stolen or embezzled;
- ☐ property or things were used as the means of committing a felony;
- ☐ property or things are in the possession of any person with the intent to use them as means of committing a public offense, or in the possession of another to whom he or she may have delivered them for the purpose of concealing them or preventing their being discovered;
- ☒ property or things to be seized consist of any item or constitute any evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony;
- ☐ property or things to be seized consist of evidence that tends to show that sexual exploitation of a child, in violation of Section 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring;
- ☒ there is a warrant to arrest a person;
- ☐ a provider of electronic communication service or remote computing service has records or evidence, as specified in Section 1524.3, showing that property was stolen or embezzled constituting a misdemeanor, or that property or things are in the possession of any person with the intent to use them as a means of committing a misdemeanor public offense, or in the possession of another to whom he or she may have delivered them for the purpose of concealing them or preventing their discovery;
- ☐ property or things to be seized include an item or any evidence that tends to show a violation of Section 3700.5 of the Labor Code, or tends to show that a particular person has violated Section 3700.5 of the Labor Code;

You are Therefore **COMMANDED** to SEARCH: (premises, vehicles, persons)

See attached.

For the FOLLOWING PROPERTY, THING(S) OR PERSON(S):

See attached.

LOS ANGELES SUPERIOR COURT
 FEB 14 PM 2 47

AND TO SEIZE IT / THEM IF FOUND and bring it / them forthwith before me, or this court, at the courthouse of this court. This Search Warrant and Affidavit and attached and incorporated Affidavit were sworn to as true and subscribed before me on this 14th day of February, 2012, at 1:25 A.M. / P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

HOBBS SEALING APPROVED: ☐ YES ☒ NO
 NIGHT SEARCH APPROVED: ☒ YES ☐ NO

HON. LARRY PAUL FIDLER

Judge of the Superior Court of California, County of Los Angeles, Central, Dept. 106

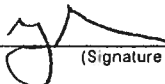
LARRY PAUL FIDLER
 (Magistrate's Printed Name)

STATE OF CALIFORNIA - COUNTY OF LOS ANGELES

PROBABLE CAUSE ARREST WARRANT AND AFFIDAVIT IN SUPPORT THEREOF
(AFFIDAVIT)

Your affiant, **Gregory M. Stearns**, is employed as a peace officer for the **Los Angeles Police Department** and has attached hereto and incorporates by reference official reports and records of a law enforcement agency. These reports were prepared by law enforcement officers and contain factual information and statements obtained from victims, witnesses, and others which establish the commission of the following criminal offense(s): **Manslaughter** by the following person: **Gerhard Becker**.

WHEREFORE, your affiant prays that a warrant of arrest be issued for said person.

 #31611
(Signature of Affiant)

(ARREST WARRANT)*

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER OF SAID STATE: proof by the accompanying and incorporated affidavit having been made before me by Gregory M. Stearns I find probable cause to believe that the therein described criminal offense(s) was (were) committed by the below named and described person. Wherefore, you are commanded forthwith to arrest said person and bring said person before any magistrate in Los Angeles County, or in lieu thereof, you may release said person from custody prior to the time limitations of Penal Code Section 825 without bail or appearance before a magistrate. The arrestee may also be released on bail in the amount of \$ - NONE -


This warrant may be executed at any time during the 10 calendar days following its issuance.

PERSON TO BE ARRESTED

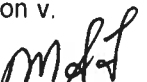
NAME & AKA'S Gerhard Albert Becker									
SEX M	RACE W	D.O.B. 01/30/64	HEIGHT 510	WEIGHT 180	HAIR BRN	EYES BLU			
MARKS:									
VEHICLE YEAR		MAKE		MODEL		VEHICLE LIC. NO.		STATE	
RESIDENCE ADDRESS									
ADD'L RESIDENCE ADDRESS									
BUSINESS ADDRESS									
CII NO. None				OTHER NOS. AZ DL: D06859935, DE PPN: C4WK8148T					

The affidavit in support of this arrest warrant is incorporated herein and was sworn to and subscribed before me this 10th day of February, 2012, at 1:25 A.M./P.M. Wherefore, I find probable cause for the issuance of this arrest warrant and do issue it.


HON. LARRY PAUL FIDLER
(Signature of Magistrate)


LARRY PAUL FIDLER
(Typed or Printed Name of Magistrate)

Judge of the Superior Court, D106 Central Judicial District.



SEARCH WARRANT AND AFFIDAVIT

FOR THE FOLLOWING PERSON:

The person of Gerhard Albert Becker, further described as a male, white, 5'10" tall, 180 pounds with brown hair, blue eyes and a date of birth of January 30, 1964; and all briefcases, suitcases or other containers in Becker's possession or under his control at the time of his arrest.

SEARCH WARRANT AND AFFIDAVIT**FOR THE FOLLOWING PROPERTY:**

- 1) Any documents tending to establish dominion and control of the residence located at 1546 Viewsite Drive in the City and County of Los Angeles.
- 2) Any documents regarding construction, modification, improvement or use of the residence located at 1546 Viewsite Drive in the City and County of Los Angeles to include:
- 3) Any contracts, sub contracts, plans, invoices, financial records, photographs or videos concerning the residence.
- 4) Any media storage devices including laptop computers, desktop computers, cellular telephones, notebooks, electronic notebooks, net books, external hard drives, any portable electronic storage device under the dominion and control or accessible to Gerhard Becker that may store photographs, videos or documents related to the construction, modification, improvement or use of the residence. As used above, the terms contracts, sub contracts, plans, invoices, financial records, photographs or videos include those that are created, modified or stored in electronic or magnetic form and data, image, or information that is capable of being read or interpreted by a computer.
- 5) In order to search for any items to be seized that were modified or stored in electronic or magnetize form, searching officers may seize and search the following: Any computer hardware, software, and data, including central processing units (CPUs), hard disk drives, floppy disk drives, zip disk drives, tape drives, removable media drives, optical/CD-Rom drives, servers, work stations, peripheral storage devices, floppy disks, zip disks, magnetic tapes, cassettes tapes, removable storage media, and/or optical CD-Rom disks or cartridges, cell phones, smart phones, personal data assistants (PDA's) or any other device or media capable of digitally or magnetically storing data.

SEARCH WARRANT AND AFFIDAVIT**STATEMENT OF EXPERTISE:**

Your affiant, Detective G. Stearns, #31611 has been a law enforcement officer in the state of California for the past seventeen years, the last sixteen with the Los Angeles Police Department (LAPD). Your affiant is currently assigned to Robbery-Homicide Division, Homicide Special Section (RHD-HSS). Your affiant was previously assigned to the 77th Street Homicide unit for four years and the Sex Crimes Unit of Hollywood Detective Division for four years. Your affiant's training and experience in the area of homicide investigations includes the completion of: LAPD Basic Detective School, The Robert Presley Institute of Criminal Investigation (ICI) Core Course, LAPD Homicide School, the Los Angeles County Sheriff's Department Homicide and Death Investigation Course, the Violent Crime Analysis Seminar presented by the National Center for the Analysis of Violent Crime (NCAVC) of the Federal Bureau of Investigation (FBI) and the Practical Homicide Investigation (PHI) Basic Course. Your affiant is also an ICI graduate with a specialty in homicide investigations. Your affiant has been involved in approximately 150 homicide investigations, 40 of those as the lead investigator.

SEARCH WARRANT AND AFFIDAVIT**STATEMENT OF PROBABLE CAUSE:**

On February 23, 2011, your affiant, Detective G. Stearns, Serial No. 31611, was assigned to investigate the cause of death of Firefighter Glenn Allen of the Los Angeles City Fire Department (LAFD). On February 16, 2011, at approximately 2320 hours, Allen was dispatched to a residential structure fire at 1546 North Viewsite Drive in the City and County of Los Angeles as part of Engine Company 97. While Allen was involved in firefighting operations inside the living room of the residence, a large section of the ceiling collapsed on top of Allen, burying him underneath several hundred pounds of debris.

Several firefighters responded to Allen and were required to use chainsaws to cut away the debris and free him which took several minutes. Allen was found to be unconscious and not breathing. Allen was transported by Rescue Ambulance 27 to Cedar Sinai Medical Center for medical treatment.

On February 18, 2011, at approximately 1200 hours, Allen succumbed to his injuries and died. An autopsy was performed on February 19, 2011 by the Los Angeles County Coroner's Office. The cause of death was determined to be mechanical asphyxiation.

February 17, 2011 an investigation was initiated by LAFD into the cause and origin of the fire. LAFD Arson Investigator W. Thost was assigned. Thost has investigated over 500 fires for cause and origin. Thost's investigation revealed that the cause of the fire was accidental and that the area of origin was in the area of the ignition box for a fireplace on the third floor of the residence. The fire burned upward in the void space above the fireplace between the wood studs. The fire continued upward to the unblocked ceiling space and into the drop ceiling area. The fire then burned horizontally through the attic space causing burning to the structural wood framing and supports of the ceiling in the area of the collapse [See Los Angeles Fire Department Fire Investigation Report #2011-02-0216 for further].

On February 17, 2011, Principal Inspector B. Neighbors of the Los Angeles Department of Building and Safety (LADBS) also responded to the residence to inspect the damage. Neighbors' inspection of the residence revealed the following:

The fireplaces constructed are not of typical construction. Typically, a fireplace is constructed of non-combustible materials and components. Materials and components such as brick, stone, concrete, steel,

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1 and the firebox are lined throughout with high temperature resistant materials. Clearances are required
2 between the firebox, the fireplace ventilation and all combustible (wood, drywall, insulation, wall and
3 floor coverings) materials. The top of the firebox is constructed at angles vertically to capture heat and
4 exhaust particles of combustion through a flue or vent out of the building.

5 The fireplaces in the residence consist of a firebox constructed of wood framing and lined with
6 drywall (a combustible material) in back, top and bottom. The top of the firebox is flat and horizontal.
7 The back of the firebox is covered by a ceramic tile or slate material glued to drywall that is attached to
8 wood framing.

9 The gas log in the firebox is supplied by natural gas fuel through gas piping, inside a metal tray with
10 an igniter. The igniter is a component of the metal tray and this assembly is cut into the drywall bottom of
11 the firebox resting on drywall and wood framing.

12 The firebox is vented by dual wall 4 inch gas vents attached in series and connected to another dual
13 wall 4 inch gas vent emerging from lower floors of the building. The dual wall 4 inch gas vents are
14 connected by single wall 4 inch "Wye" connectors in series. All the connections on the gas vents have
15 been taped and are supported by metal tie wire. In Neighbors' expert opinion, the construction of this
16 fireplace fails to meet any standards for approved fireplaces. If these fireplaces were present at final
17 inspection of the residence, the inspection would not have been approved. The fireplaces would not have
18 been approved because as constructed and installed they constitute a present, extreme immediate and
19 imminent hazard. Because of the hazard, if the fireplaces were present at the final inspection, there would
20 have been immediate action taken by LADBS to abate the hazard by causing the removal of the fireplaces.

21 The owner and designer of the residence is Gerhard Becker. The plans and permits submitted to
22 LADBS indicated that Becker was the owner/occupier. In addition, Becker is listed on the plans as the
23 designer of the residence. The inspector of record for the project for LADBS was Building Mechanical
24 Inspector B. Bescos. The original plans filed with LADBS called for a, "Fireplace U.L. [United
25 Laboratories approved] Gas Appliance" on the third story in the same area where the fireplace that was the
26 origin of the structure fire was located. When Bescos conducted a rough inspection of the project in

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1 August of 2010, he inquired with Becker about whether any fireplaces were going to be part of the project
2 as they are common for homes in this area. Becker said that he was not going to have any fireplaces in the
3 residence. The inspection of February 17, 2011 found a total of three gas fireplaces in the home, all of
4 which were in violation of code and would not have been approved. The final inspection of the residence
5 was conducted by LADBS in November of 2010. At that time, there were no fireplaces in the residence
6 and the area where the fireplace that was the origin of the structure fire was located was covered over with
7 drywall.

8 Also on February 17, 2011, Becker was interviewed by LAFD Arson Investigator Zlendick. Becker
9 told Zlendick that he was an architect by trade and the owner/builder of the residence. When Becker was
10 asked what he thought caused the fire, he responded the main living room fireplace (third/ground floor).
11 Becker further stated the burner pan for the fireplace might be too large as it produces a lot of BTU's
12 (British Thermal Units, a unit of measurement in heating appliances). Becker went on to draw diagrams
13 of the enclosure for the fireplace and noted the materials used in the construction.

14 Based on the information available and the belief that the cause of the fire was possible criminal
15 negligence on the part of Becker, the LAFD requested that detectives from the Los Angeles Police
16 Department (LAPD), Robbery-Homicide Division (RHD) become involved in the investigation. On
17 February 23, 2011, a meeting occurred involving representatives from LAPD, LAFD and LADBS. At the
18 conclusion of the meeting, it was decided that RHD would launch an investigation into Allen's death.

19 On February 24, 2011, a search warrant for the residence on Viewsite Drive was issued by the
20 Honorable S. Torrealba. The search was jointly conducted by detectives from RHD as well as
21 Investigators W. Thost and D. Liske from LAFD Arson with assistance from LAFD firefighters. Also
22 present were B. Bescos and M. Faunce from LADBS to observe and note any building code violations that
23 might exist at the residence.

24 Investigators Thost and Liske determined that the cause and origin of the fire was a fireplace on the
25 third (ground) level of the residence [See LAFD Fire Investigation Report 2011-02-0216 for further].
26 There were three additional fireplaces located in the residence. Each of them showed signs of burn

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1 damage to the framing enclosures they were housed in. One of the fireplaces on the first (bottom) floor
2 actually vented inside of the room in which it was located. The fireplace on the third level was removed
3 and seized as evidence. An examination of the seized fireplace burner and the other burners revealed that
4 they were manufactured by Hearth Products Controls Company of Dayton, Ohio. In addition, numerous
5 documents regarding the construction of the residence were seized as well as computer flash drives.
6 Inspectors Bescos and Faunce noted numerous building code violations throughout the residence that
7 constituted changes made after the final inspection was completed by LADBS.

8 A review of documents seized from Becker's residence indicated that he was trained as an architect in
9 Germany and holds both the equivalents of bachelor's and master's degrees in architecture from schools in
10 Germany. In addition, a contract was found between Becker and Tressor Entertainment. The contract was
11 for the exclusive use of the residence for the filming of "Germany's Next Top Model." The term of the
12 contract was February 18, 2011 to April 24, 2011.

13 On February 25, 2011, Detective Stearns spoke with Greg Steck and John Wagner of Hearth Products
14 Controls. Steck and Wagner are the owner and sales manager of the company respectively. A review of
15 their order records indicated that the burners and troughs were ordered through Colorado Hearth and
16 Home for Becker on August 2, 2010 and shipped on August 15, 2010. The order was through Colorado
17 Hearth and Home as Hearth Control Products only supplies authorized dealers and does not sell directly to
18 the public.

19 On March 1, 2011, Becker was interviewed by Investigators Thost and Liske. During the interview,
20 Becker said that he was licensed as an architect in Germany and Spain and that the project on Viewsite
21 represented his first undertaking in the United States. Construction began in December of 2009. When
22 asked about the fireplaces, Becker said that he planned and built the fireplaces himself, including the
23 venting. Becker went on to say that he built them himself because he wanted to make sure it was done
24 right. Becker said the fireplaces were installed in October of 2010. Becker said that he did not consider
25 them to be fireplaces, but rather architectural features or decorations. At the conclusion of the interview
26 Becker's iPhone was seized by Detective D. English pursuant to the previously issued warrant by Judge

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1 Torrealba. In addition, an additional search warrant issued by the Honorable C. Klein was served on
2 Becker's temporary residence of 1509 Viewsite Drive by Detectives English and J. King. Becker's
3 computer was seized.

4 On March 9, 2011, Detective Stearns interviewed Mike Rosenthal, a Deputy Building Inspector for the
5 city of Los Angeles. Rosenthal is a private inspector who is authorized by LADBS to inspect and sign off
6 on certain construction features such as structural steel, concrete and foundations. Rosenthal said that
7 Becker was in charge of the construction project at Viewsite and involved in every detail and aspect of it.
8 Rosenthal described Becker as "hands-on" as it related to the project. Rosenthal also said that Becker was
9 very demanding and often trying to perform work on the foundation for the residence faster than
10 allowable. An example of this was removing wood forms around concrete that was poured prior to the
11 time needed for it to cure properly.

12 On March 9th Detective Stearns also made a request to Detective K. Hunter, of the High Tech Task
13 Force to conduct a forensic examination of the computer, iPhone and other digital media storage devices
14 recovered from the search warrants.

15 On March 11, 2011, Investigators Thost and Liske conducted an interview with Greg Steck and John
16 Wagner of Hearth Product Controls. Steck and Wagner provided technical information about the trough
17 burner systems and were asked to view photographs that were taken of the fireplaces. After viewing the
18 photographs, Steck and Wagner identified the following issues:

19 1) The units were installed indoors, which is contrary to the installation instructions that the units
20 are for outdoor use only.

21 2) The recommended minimum clearances for the burner units from combustible materials was
22 not followed.

23 3) The housing for the burners was made with a combustible material, which is contrary to the
24 installation instructions.

25 4) The units were not adequately vented.
26

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1 On March 14, 2011, Detective Stearns interviewed Inspector B. Bescos of LADBS. Bescos was the
2 primary inspector for the residence on Viewsite. Bescos said that Becker was in complete charge of the
3 project and that he would often argue with Bescos about having phases of construction signed off. Becker
4 told Bescos that in Germany, the architect is in charge and decides when things are signed off. Bescos
5 explained that in Los Angeles, this was not the case. Becker on more than one occasion called Bescos'
6 supervisor to try and have his decisions on the jobsite overturned, but with no success. Bescos also
7 recalled an inspection he performed in August of 2010 in which he asked Becker if he intended to install
8 any fireplaces in the residence as they are common for homes in the area. Becker said that he had no such
9 intention [NOTE: On the final plans approved by LADBS for the residence, there is a "UL approved gas
10 appliance" indicated for the third floor in the same location as the fireplace discovered in the residence].
11 Detective Stearns requested a formal report of the findings of Bescos and Faunce from their observations
12 at the residence on February, 23rd.

13 On March, 17, 2011, Detective Stearns served a search warrant issued by Judge Torrealba on
14 Microsoft Corporation, the provider of Becker's email account. The warrant was for the email address
15 gerhardbecker@live.com, which was listed on business cards seized at the residence and was also on a
16 business card provided to Investigator Thost during his interview with Becker.

17 On March 23, 2011, Inspector Bescos provided his report regarding the fireplaces and other violations
18 discovered of work performed after the final inspection of November 30, 2010. The report detailed that
19 the enclosures of the fireplaces were constructed with combustible materials, did not have sufficient
20 clearance from combustible materials, were electrically wired in violation of code and were not listed from
21 an approved testing agency (e.g. United Laboratories). Bescos also detailed how the venting used for the
22 fireplaces was not listed and was totally inadequate to vent particles of combustion to the outside of the
23 residence. The report also detailed that the fireplaces on the first floor appeared to be installed after final
24 inspection due to the fact that the enclosures were built in front of taped and finished drywall and electrical
25 outlets which became enclosed with the fireplace installation [See report of B. Bescos, LADBS, March 23,
26 2011].

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1 On March 31, 2011, Detective Stearns received the results of the search warrant on Becker's email
2 account. Among the emails was an exchange between Becker and Colorado Hearth and Home which
3 began in November of 2009 with Rob Roos of Colorado Hearth and Home. According to the emails,
4 Becker was requesting a quote on six burner units with troughs. On July 25, 2010, Becker again contacted
5 Roos and said that he was now ready to order the burners and the troughs. On July 28th, Roos asks
6 questions about whether the burners are to be for natural gas or liquid propane and informs Becker that the
7 units are for outdoor use only. Becker responds the same day that he wants natural gas burners and that he
8 intends to install the units indoors. Roos replied that he wanted to be sure that Becker knew that the
9 manufacturer specified that the units are for outdoor use only. Becker's response was as follows:

10 *I am aware. I just don't see the difference. I[t] is a pit with a pipe. I am aware that I have to cover*
11 *around the pit with Fire resistant materials, and in the worst cast [sic] my building inspector will ask for*
12 *a vent. Or may be he will ask for a UL number which is valid for LA City. If the pits don't have that*
13 *number than [sic] I have to put them in after the inspection.*

14 *Thanks*

15
16 *Gerhard*

17
18 (emphasis added).

19 On April 19, 2011, Detective Stearns received the results of the computer, iPhone and digital media
20 examination from Detective Hunter. Among the items on the computer were the downloaded installation
21 instructions from Hearth Products Controls Company for the burner units. The instructions clearly and
22 explicitly state on the top of the first page that the product is for outdoor use only. Also downloaded was a
23 listing agreement between Becker and Hilton & Hyland, a real estate brokerage. The agreement called for
24 the exclusive listing of the Viewsite property from February 15, 2011 until February 15, 2012.
25
26



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1 Among the information retrieved from Becker's iPhone was a text message Between Becker and Jose
2 Briseno on January 31, 2011. In the text message Becker writes, *"Hi Jose, did you use already all the*
3 *tiles or can I have 4 back? I forgot to make one fireplace. Thanks, Gerhard* (emphasis added)."

4 Also found on one of the flash memory drives were electrical installation plans dated May 9, 2010 in
5 which "ignition fireplaces" are shown and notated on the second floor that correspond to where they were
6 located in the residence during the service of the search warrant. In addition, other fireplaces that are not
7 notated as such are shown on electrical installation plans on the first floor and third floor. These fireplaces
8 depicted on the plans dated, May 3, 2010 and May 9, 2010 respectively, were also found to be in the
9 residence in the locations indicated.

10 Based on the information currently available in this investigation, it is your affiant's opinion that
11 Gerhard Becker knowingly and intentionally installed the fireplaces in the home after final inspection in a
12 manner that he knew or should have known would not be approved because it was unsafe. The installation
13 of the fireplaces without any adequate heat shielding, venting or other safeguards created a condition that
14 was likely to result in a structure fire such as the one that occurred on February 16, 2011. Any such
15 structure fire would present a substantial risk of great bodily injury or death to any occupant of the
16 residence or any firefighter charged with battling the fire. It is your affiant's opinion that Becker had the
17 knowledge, actual or imputed, that his actions in installing the fireplaces tended to endanger life and that
18 the consequences of his criminal negligence could be foreseen (See People v Rodriguez, 186 Cal App. 2nd,
19 433). It is also your affiant's experience that documents, records, photographs and videos are often stored
20 electronically on computers, hard drives, flash drives and other electronic media devices. It is for these
21 reasons that your affiant prays that an arrest and search warrant are issued for Gerhard Becker. It is your
22 affiant's opinion that upon service of this warrant, additional evidence will be recovered that substantiates
23 Becker's criminal negligence in the fire that caused Firefighter Allen's death.

24 Your affiant further requests that the bail for this pre-complaint arrest warrant (Ramey warrant) be set
25 at no bail. Through Department resources, it was determined that Becker left the United States on
26 April 22, 2011 and has not returned since. It was also determined that Becker sold both of the vehicles

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1 registered to him in California on April 13, 2011 and that his departure was prior to the end of a lease that
2 Becker signed on a temporary residence that began on March 1, 2011 and was to end on September 1,
3 2011. Financial records recovered during the forensic examination of Becker's computers indicate that he
4 has cash assets that total several million dollars. Construction records seized at Becker's residence
5 indicate that he paid \$1 million cash for the Viewsite property and another \$4 million in cash for the
6 construction of the residence.

7 Becker is believed to currently be in Palma de Mallorca, Spain, his place of residence prior to the
8 Viewsite Project. A check of the Spanish Official Journal of the Commercial Registry Gazette (*Boletín*
9 *Oficial Del Registro Mercantil*), a Spanish government publication [Number 117, dated June 20, 2011],
10 indicated that Susanne Kolb founded a company on May 23, 2011 known as "Finca Orlando, SL." The
11 company describes its purpose as, "Property development and construction of all types of buildings [and]
12 housing developments." Kolb, who was Becker's girlfriend and is now his wife, was staying with him at
13 the time of the Viewsite fire. Her profession is a yoga instructor.

14 It is your affiant's opinion that Gerhard Becker fled the United States shortly after being interviewed
15 by police and arson investigators and consulting with a California criminal defense attorney because of his
16 consciousness of guilt and fear of pending prosecution. Becker is a German citizen. Article 16 of the
17 Basic Law for the Federal Republic of Germany (*Grundgesetz für die Bundesrepublik Deutschland*) states,
18 "No German may be extradited to a foreign country." Your affiant has received information that Becker
19 will be returning to Los Angeles on or about February 11, 2012 to handle some final details regarding the
20 Viewsite residence. Your affiant intends to intercept Becker at the airport upon his arrival and arrest him.
21 The scheduled bail in Los Angeles County for Involuntary Manslaughter is \$25,000.

22 Your affiant believes that if Becker is arrested with a set bail, even in the millions of dollars, he has the
23 financial means and resources to post such bail prior to arraignment and that he would flee the jurisdiction
24 of the court and return to his native Germany. Such an act would prevent Becker's future extradition and
25 effectively end any ability to prosecute him for the crimes he has committed.
26

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1 It is for these reasons that your affiant requests that this Ramey warrant be issued with a no bail status.
2 A no bail status will ensure that Becker will appear before the court and that appropriate conditions, such
3 as house arrest and GPS monitoring, can be implemented prior to bail being set.
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